

Washoe Tribe of Nevada and California

Environmental Protection Department



July 21, 2011

Ms. Gwen Brown
U.S. Environmental Protection Agency
Grants Management Office (MTS-7)
75 Hawthorne Street
San Francisco, CA 94105

Dear Gwen,

Enclosed please find the Washoe Tribe of Nevada and California's full application package for financial assistance under FY11 section 319h of the Clean Water Act "Base and Competitive Funding".

The Tribe's currently has a 2011 approved Indirect Cost agreement which is on file at the EPA Grants Management Office. The request for a waiver for the match was submitted with the original proposal. The Washoe Tribe of Nevada and California's Nonpoint Source Assessment and Management Program were approved by the Environmental Protection Agency February 2000. We feel that the implementation of this effort is essential to the protection and enhancement of the waters on Washoe Tribal lands. The Tribal Council supports this proposal and passed a Tribal Resolution 2010-WTC-81 on September 23, 2010 to support this application.

We look forward to working in partnership with EPA to protect and restore water quality, watershed condition, aquatic, and riparian habitat on tribal lands. Please feel free to contact me at (775) 265-8682 or email at marie.barry@washoetribe.us if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie Barry", with a stylized flourish at the end.

Marie Barry, Environmental Director

cc: WEPD File/NPS FY10
Stephanie Wilson - EPA Project Officer
Washoe Grants Office

919 Highway 395 South, Gardnerville, Nevada 89410
(775) 265-4191 • (775) 883-1446 • (530) 694-2339 • FAX (775) 265-3211

BUDGET INFORMATION - Non-Construction Programs**SECTION A - BUDGET SUMMARY**

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|--|-----------------------------|--------------------|-----------------------|--------------------|---------------|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. EPA NPS 319 | 66.460 | \$ | \$ | \$ 180,000.00 | \$ 20,000.00 | \$ 200,000.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | \$ | \$ | \$ 180,000.00 | \$ 20,000.00 | \$ 200,000.00 |

SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total (5) |
|--|-------------------------------------|--------------|-----|-----|---------------|
| | (1) | (2) | (3) | (4) | |
| a. Personnel | 72,898.00 | 13,848.00 | | | 86,746.00 |
| b. Fringe Benefits | 32,970.00 | 7,665.00 | | | 40,635.00 |
| c. Travel | 4,000.00 | 550.00 | | | 4,550.00 |
| d. Equipment | 0 | 0 | | | 0 |
| e. Supplies | 2,000.00 | 238.00 | | | 2,238.00 |
| f. Contractual | 4,975.00 | 4,358.00 | | | 9,333.00 |
| g. Construction | 0 | 0 | | | 0 |
| h. Other | 32,276.00 | 3,868.00 | | | 36,144.00 |
| i. Total Direct Charges (sum of 6a-6h) | 149,119.00 | 30,527.00 | | | 179,646.00 |
| j. Indirect Charges | 17,548.00 | 2,806.00 | | | 20,354.00 |
| k. TOTALS (sum of 6i and 6j) | \$ 166,667.00 | \$ 33,333.00 | \$ | \$ | \$ 200,000.00 |
| | | | | | |
| 7. Program Income | \$ | \$ | \$ | \$ | \$ |

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS)

Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined

(Attach Separate Sheet(s) if necessary)

Object Class Categories

| a. Personnel: (Program Staffing - include and indicate vacant positions) | Number in Position Class | Annual Salary Rate | Work Years | Personnel Costs |
|--|--------------------------|--------------------|------------|-----------------|
| Position Title | | | | |
| (1) | (2) | (3) | (4) | (5) |
| Environmental Director | 1 | 92,040.00 | .01 | 10,620.00 |
| Environmental Coordinator | 1 | 69,160.00 | .01 | 4,655.00 |
| Environmental Specialist II | 6 | 48,630.40 | .11 | 31,563.00 |
| Environmental Specialist I | 3 | 36,545.60 | .24 | 8,785.00 |
| Tribal Historic Preservation Officer | 1 | 76,086.40 | .01 | 732.00 |
| Washoe Conservation Crew | 3-5 | 31,324.80 | .79 | 25,000.00 |
| Administrative Assistant I | 2 | 40,185.60 | .07 | 2,898.00 |
| WUMA Technician II | 2 | 44,210.00 | .02 | 232.00 |
| Washoe Utility Management Authority Manager | 1 | 69,160.00 | .04 | 2,261.00 |
| | | | | |
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| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| PERSONNEL CATEGORY TOTALS | | | | 86,746.00 |
| b. FRINGE BENEFITS: TOTAL | | | | 40,635.00 |
| c. TRAVEL: TOTAL (Itemize below - See Sample pages) | | | | 4,550.00 |
| Local travel: \$.50mi x 4,100 = \$2,050.00 | | | | |
| Non Local: Air fare/motel/conf. fees/per diem = \$2,000 | | | | |
| Fuel for equipment: 150 gal x \$3.33 = \$500 | | | | |

(Attach Separate Sheet(s) if necessary)

| | | |
|----|---|----------|
| d. | Equipment: (1) List each item costing \$5,000 or more to be purchased for this project; | |
| | | |
| | | |
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| | | |
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| | | |
| | SUB-TOTAL | |
| | (2) List items costing less than \$5,000. You may list the items by groups, as appropriate. | |
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| | | |
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| | | |
| | | |
| | | |
| | SUB-TOTAL | |
| | COMBINED EQUIPMENT TOTAL | |
| e. | Supplies: List by groups, as appropriate. | |
| | General Office Supplies: \$52.71/mo x 14mo | 738.00 |
| | Field Supplies: | 1,500.00 |
| | | |
| | | |
| | | |
| | | |
| | SUPPLIES TOTAL | 2,238.00 |

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS)

Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined

(Attach Separate Sheet(s) if necessary)

Object Class Categories

| | |
|--|----------------------|
| f. CONTRACTUAL: List each planned contract separately, type of services to be procured, proposed procurement method (i.e. small purchase, formal advertising, competitive negotiations or non-competitive negotiations) and the estimated cost. Also, please indicate if the proposed contract performance period will go beyond the budget period of assistance for which this application is submitted. | |
| Contractor for well closure | \$ 4,001.00 |
| Contractor for engineering design, large rock and other materials needed to complete NPS projects | 4,975.00 |
| Lab fees (WUMA grnd water sampling) Task 3 NPS Base | 357 |
| | |
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| | |
| COMBINED CONTRACTUAL TOTAL | \$ 9,333.00 |
| g. CONSTRUCTION (N/A) | |
| h. OTHER: Explain by major categories any items not included in above standard budget categories. Caution: Do not include or proposed as a direct project cost, any cost that is indirect in nature (see OMB Circular A-87) or is included in the indirect cost pool on which the indirect cost rate (item j) is based. | |
| Communication/Maintenance: (cell phone, internet, landline, elect., maintenance etc.) | 2,200.00 |
| BMP materials: (piping, matting, seeds, plants, stakes, separator etc.) | 9,770.00 |
| Washoe Tribe: (cobble rock @ \$20/yard x 100 yds = \$2,000 woodchips @ \$15/yard x 15 yds = \$375, willow @ \$1.00/ft x 350/ft = \$350.00) | 2,725.00 |
| Fencing Materials | 3,268.00 |
| Trailer to haul materials, equipment, and tools @ \$25/day x 30 days = \$750, 2 quads and 4x4 vehicle use for project mobilization 6 wks @ \$350/wk = \$4,200, dump truck @ \$750 wk x 3wks = \$2,250, backhoe @ \$1,450 /wk x 3 wks = \$4,350, misc. tools equip. use \$1,875. | 11,181.00 |
| Equipment Rental: Excavator/Track hoe (\$1,000 day x 7 days) | 7,000.00 |
| | |
| | |
| | |
| | |
| OTHER TOTAL | \$ 36,144.00 |
| i. TOTAL DIRECT CHARGES: (Sum of Items a. through h.) | \$ 179,646.00 |
| j. INDIRECT COSTS: (Attach a copy of your latest indirect cost agreement) | \$ 20,354.00 |
| k. TOTAL PROPOSED PROGRAM COSTS (Sum of Items i. and j.) SHARE: FEDERAL 90 % GRANTEE 10 % | \$ 200,000.00 |

AUTHORIZED FOR LOCAL REPRODUCTION

COMPETITIVE WORKPLAN

**Nonpoint Source (NPS) Watershed Protection Within the
Washoe Tribe of Nevada and California Lands
Under the EPA Clean Water Act Section 319(h)**

**NPS Floodplain Conservation and Bank Stabilization Projects
for
Washoe Tribal Silverado Parcel, Nevada**

FY2011

Prepared for:

U.S. Environmental Protection Agency
Region 9, Water Division
75 Hawthorne Street
San Francisco, CA 94105

Prepared by:

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Washoe Environmental Protection Department
919 U.S. Highway 395 South
Gardnerville, NV 89410

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Of the:

Washoe Tribe of Nevada and California

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1.0 INTRODUCTION

1.1 Proposal Purposes

The Washoe Tribe of Nevada and California is submitting the following proposal in response to the EPA FY11 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319(h). The Washoe Tribe is eligible to compete for the program and competitive Watershed funding in that:

- EPA has approved the Washoe Nonpoint Source Assessment and Management Program (2000).
- EPA has granted approval to the Washoe Tribe pursuant to CWA Section 518 ("Treatment-as-a-State") to administer the Nonpoint Source (NPS) Pollution Program.
- EPA has granted approval of the *Carson River Stewardship Plan* (CRSP) which includes the 9 Components of a Watershed Plan which EPA requires for proposed watershed NPS projects (refer to Appendix C).
- The proposed project area is within Tribal "reservation" lands (refer to Map 1: Washoe Silverado Parcel within the Carson River Watershed).

The proposed project is located within the Washoe Tribal Silverado Parcel which is 160 acres, shaped like a "T" resting on its side, with Highway 395 crossing through the middle of the parcel from north to south. It is located 10.5 miles north of Minden and 6 miles south of Carson City. The proposed 160 acre project area aims to reduce NPS pollution caused by flooding, and stormwater runoff from bordering developments (Indian Hills, Sun Ridge Housing and Golf Course etc.), trails and roadways (highway, road systems) impacting the Silverado Parcel which is located within the Carson River Watershed (refer to Map 1). Specifically, the project strives to reduce sediment and nutrient loading and improve bank stability.

The proposed project area has been severely impacted from stormwater runoff from the surrounding developments and roadways. The Silverado Parcel has part of the Maps produced by the Butler Ives 1861 Survey of Western Nevada shows a route named the "Carson Valley Road" which crosses through the Silverado parcel. This is believed to be the Carson Trail segment of the Emigrant Trail. Following the Comstock period the area was utilized for minimal grazing until the Tribe acquired the property from the Bureau of Indian Affairs in the mid 1980's when the Stewart Indian School properties were disposed of. Current road systems such as US Highway 395, Plymoth and South Sun Ridge roads and new developments surrounding the parcel have caused degraded unstable drainage ways throughout the parcel and increased sedimentation loading into a detention basin located on the tribal lands (refer to Map 1). Flooding is also a common occurrence; the 1997 and 2006 floods caused severe drainage bank instability throughout the parcel. Developments surrounding the parcel have concentrated stormwater runoff into drainages that due to the soils have been overwhelmed and are degrading at accelerated rates due to the increased flows. The Tribe has two leases for a mini storage facility and billboard signs on the parcel. The Washoe Environmental Protection

Department (WEPD) works directly with the lease holder on any NPS issues associated with the lands under the lease agreements.

The proposed project falls within the EPA's 2006-2011 Strategic Plan in advancing the protection and improvement of water quality support of Goal 2 (Clean and Safe Water), Objective 2.2 (Protect Water Quality), Sub-objective 2.2.1 (Protect and Improve Water Quality on a Watershed Basis).

Reduction of the NPS pollutants will be achieved through implementation of NPS measures utilizing several Best Management Practices (BMP) such as:

- Installation of drainage bank stabilization measures, structures, rock check/log check dams, and reshaping, combined with vegetative treatments in 4 segments (approx 1-2 vertical foot and 5,900 linear feet) of degraded drainage channels as erosion and sediment control measures
- Installation of bioengineering practices (e.g. willow fascines, brush layering, pole plantings) on approximately 3 acres to restore hydrological function of drainage areas.
- Installation of grade control structures in 4 areas to stabilize and improve the hydrological function of drainage areas

The proposed implemented projects will assist in efforts towards restoring water quality, watershed condition, and aquatic and riparian habitat on tribal lands as outlined in the Washoe Tribe of Nevada & California's Nonpoint Source Assessment and Management Program and the *Carson River Stewardship Plan* (CRSP) which includes the 9 Components of a Watershed Plan which EPA requires for proposed watershed NPS projects (refer to email attachment).

1.2 Background Statement

The Carson River Watershed (CRW) is on the Nevada 303d list for exceeding impairments of dissolved oxygen and temperature in the project's reach of the River. The Nevada Division of Environmental Protection (NDEP) in September 2007 had Total Maximum Daily Loads (TMDL) approved by EPA for total suspended solids and turbidity. The CRW is one of the EPA's targeted hydrologic unit areas. The CRW is also one of the 12-targeted areas on the National Clean Water Action Plan for coordinated restoration demonstration watersheds. The proposed project is located less than a quarter of a mile from the Carson River (CR) which in this section of the CR is currently on the 2006 NDEP 303d list for zinc and temperature impairments though impairments in 2004 consisted of zinc, temperature, total suspended solids, iron, total phosphorus, and turbidity.

The stakeholders within the CRW have completed several plans, which include *Carson River Master Plan* (2001), *Fluvial Geomorphic Assessment of the Carson River with Implications for River Management* (1996), *Upper Carson River Watershed Stream*

Corridor Condition Assessment (2004) and the Carson River Stewardship Plan (2007). The Carson River Stewardship Plan (CRSP) includes the 9 Components of a Watershed Plan which EPA requires for proposed watershed NPS projects (refer to email attachment). Implementation of the proposed projects follow recommended activities within the CRSP and the Tribe's NPS Assessment Report and Management Program.

The WEPD completed a Unified Watershed Assessment (UWA), which listed the Middle Carson River as a Category 1, and Priority 1 Watershed. The proposed project is located in the Middle Stem of the Carson River, and is located on the Washoe Silverado Parcel which is located in northern Douglas County and 6 miles south of Carson City, Nevada. The Tribe has completed a few NPS projects to address a few erosion issues caused by the golf course within the past three years. The WEPD has been actively working with Nevada Division of Environmental Protection (NDEP) and (refer to Map 1) Nevada Division of Transportation (NDOT) on addressing some outside NPS influences directly impacting the tribal parcel e.g. US Highway 395 and Sun Ridge Golf Course .

1.3 NPS Subcategories and Pollutants/Threats

The Washoe NPS program utilizes the Implementation of the NPS Assessment Report and Management Program along with the CRSP and other planning documents that identify areas of concern such as the Silverado Parcel. The following NPS Categories with the associated subcategories and pollutant/threats for the proposed projects follow recommended activities within both plans.

| NPS Categories | NPS Subcategory | BMP |
|-------------------------|-----------------------------------|---|
| Habitat Modification | Bank Modification/Destabilization | Drainage bank Protection and Stabilization |
| Floodplain Conservation | Loss of natural function | Erosion and Sediment Controls |
| Urban Runoff/Stormwater | Bank Stabilization | Erosion and Sediment Controls Bank Stabilization |

NPS pollution caused by flooding, agricultural activities, and development are major contributors of NPS pollution in the watershed. Water quality monitoring is completed throughout the watershed through a cooperative effort of stakeholders. The WEPD conducts quarterly surface water sampling through EPA Clean Water Act 106 funding on waters located on tribal lands. The Silverado parcel has an ephemeral stream that due to the surrounding development has turned into a drainage channel and the parcel has turned into the braided stormwater channel so WEPD does not conduct surface water samples. WEPD will develop a monitoring plan that will evaluate the need to conduct baseline pre and post stormwater samples where attainable. Sedimentation delivery will be evaluated.

1.4 Project Goals and Objectives

The primary goal of the Washoe NPS Program is to identify, control, and abate the impacts of NPS pollution on the quality of the Tribe's water resources. This goal will provide for the beneficial use of the surface and ground water resources. Water quality, riparian and watershed condition must be managed to provide the opportunity for the Tribe to exercise beneficial and traditional uses.

The proposed 160 acre project aims to reduce NPS pollution caused by flooding and stormwater runoff at the Tribe's Silverado Parcel within the Carson River Watershed. Specifically, the project strives to reduce sediment and nutrient loading and increase drainage bank stability and hydrologic function. The project area was severely impacted from the 1997 and 2006 flood events that caused bank failures, erosion and several degraded drainage channels.

Goal: Reduce excessive sediment transport

Activities (BMPs):

1. Erosion and Sediment Controls
2. Slope Stabilization
3. Drainage Protection and Stabilization

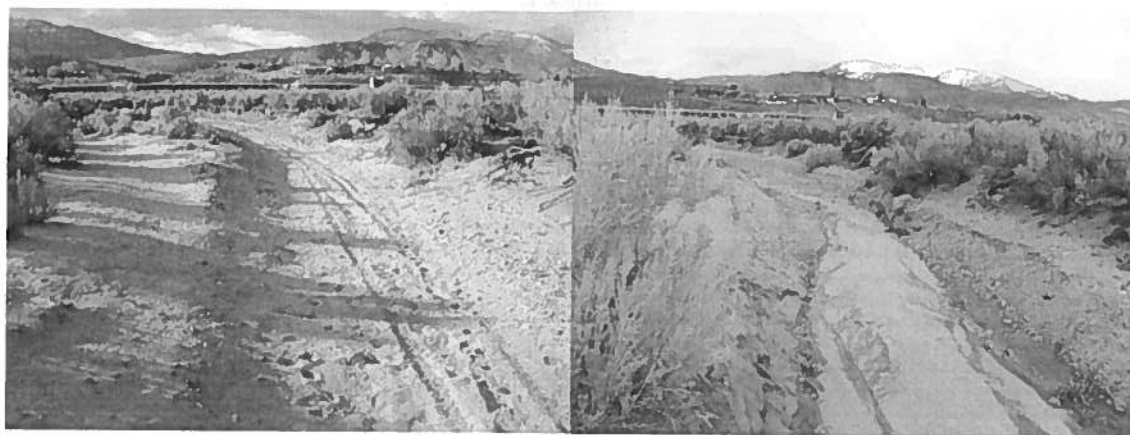
Project Objectives:

- Restore and protect impaired sites impacted by NPS pollution
- Track progress through program evaluation and fiscal administration
- Program capacity building and project coordination
- Implement "on-the-ground" projects.
- Monitor success of implemented projects

Table Work Plan (Appendix A) provides the description of components and activities, outputs and target dates, and estimated staff hours and costs associated with completing the proposed project. Appendix B has supporting documentation including the approved WP approval and NDOT letter and plans.



Collection and infiltration of stormwater provides opportunities to establish vegetation part of the detention basin on the Silverado Parcel 2009.



Road in 2005

Condition in 2007



Present Condition 2011

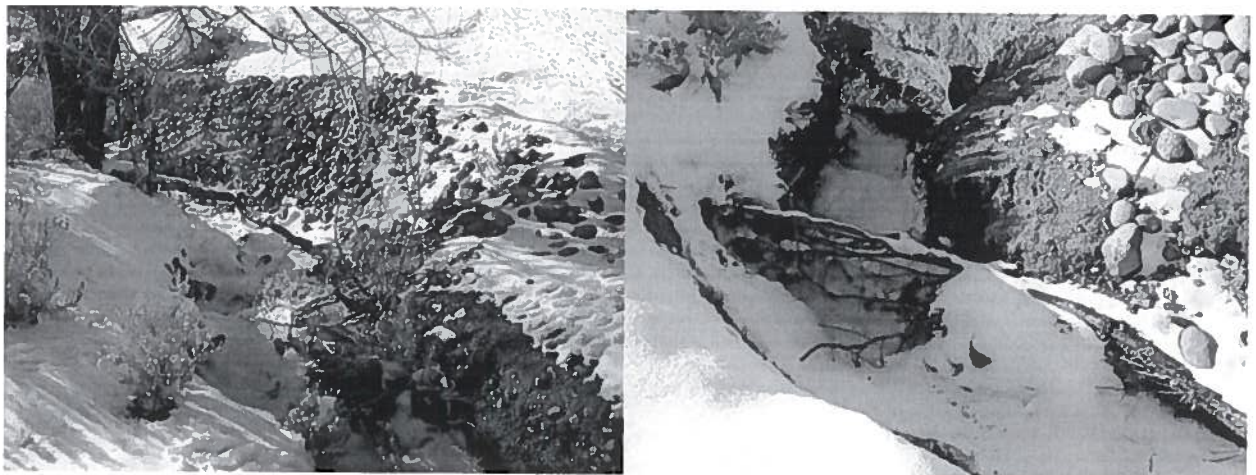
Examples of how the road has captured the stormwater and has concentrated the energy, causing down cutting and excess sediment transfer.



***Example of channel widening down gradient of the rock outfall of the US HWY 395 culvert.
*Note sediment deposited on riprap from upstream sources.***



***Native vegetation growing in stable section of Indian Hill Canyon West of US HWY 395
(Desired Condition)***



***Residential stormwater discharge is causing drainage failure and exposing tree roots, forming a gully.
(Undesired Condition: erosion, sediment controls and bioengineering BMPs needed)***



HWY 395 drainage channel at termination site of NV Department of Transportation Stabilization project. (Undesired Condition: erosion, sediment controls and bank stabilization needed)

1.5 Measures to be Implemented and General Approach

WEPD will be the lead Tribal department organizing, implementing, and administering the program. The WEPD Director and Coordinator will oversee the WEPD NPS lead staff member assigned to the project. The NPS lead is responsible for implementation and staffing coordination during the field season. Monthly updates will be provided to the Tribal Council. The NPS lead is responsible for coordinating the project. Quarterly reporting with WEPD staff will be completed. The Director is responsible for administrative oversight and being a liaison between tribal and non tribal entities. The Tribal Financial Department will be responsible for submitting required financial status reports to the EPA.

The activities will be coordinated with the other tribal departments, the four Tribal Communities, and local agencies including state, federal, USDA Natural Resource Conservation Service (NRCS), Western Nevada Resource Conservation & Development Inc. (WNRC&D), Carson Valley Conservation District, Carson River Coalition, Carson Water Sub-conservancy District, Federal Highway Administration, Nevada Division of Transportation, Douglas County Stormwater staff and Tribal Youth programs.

2.0 WORK PLAN COMMITMENTS

2.1 Summarize Progress; Program Annual Evaluation/Program Fiscal Admin

Purpose and Need: Progress reports are necessary to evaluate the effectiveness of our NPS Program. The Tribe is required to submit quarterly progress reports to the EPA and jointly evaluate grant accomplishments with the EPA Project Officer. Washoe Environmental Protection Department (WEPD) is required to submit monthly progress reports to the Tribal Council. In addition, as a NPS grantee, the Tribe is required to adhere to administrative requirements identified in 40 CFR Part 31 and OMB Circular A-87 and DBE reporting requirements.

Goals and Objectives: To keep the Tribe and EPA informed of WEPD accomplishments, expenditures, challenges, and activities and maintain compliance with administrative requirements.

Approach/Responsibilities: The WEPD Director is responsible for fiscal tracking with the Finance Accountant assigned to the Department. The WEPD will submit monthly reports to the Tribal Council and quarterly reports to the EPA. The Tribe's fourth quarter "year end" report will assess the progress and accomplishments for the entire year. The EPA Project Officer will review WEPD quarterly reports and will provide a written evaluation "final report" of WEPD progress under the NPS agreement. A draft of the EPA Project Officer's evaluation will be submitted to the Environmental Director for review prior to being finalized and sent to the Tribal Chair.

Quarterly reports will contain the following information:

- A discussion of accomplishments as measured against the work plan commitments and anticipated environmental outputs and outcomes, for each work plan task.
- A discussion of the cumulative effectiveness of the work performed under all work plan components.
- A discussion of existing and potential problem areas.
- Suggestions for improvement, including, where feasible, schedules for making improvements.
- Status of expenditures (cumulative) for reporting period and explanations of cost overruns/under-runs if applicable.

Environmental Outcomes/Results: This task will keep WEPD and the Tribe in compliance with 40 CFT 31.40, 31.41, 35.507, 35.515, and 35.638 federal reporting requirements.

Output/Deliverables & Target Dates

1. Quarterly Reports to EPA (12/31/11, 3/31/12, 6/30/12, 9/30/12, 12/31/12, and 3/31/13)
2. Final Report (Annual Report) (6/30/13)

3. Tribal Council Reports are due the first week of every month. Reports are available upon request by EPA Project Officer.
4. Financial Status Report (submitted quarterly by the Tribal Finance Dept. Final FSR will be submitted 90 days after end date 6/30/13).
5. DBE (10/30/12 and 90 days after end date 6/30/13)

Estimated Cost: \$ 11,734

2.2 Program Capacity-Building and Coordination

Purpose and Need: To coordinate and schedule WEPD NPS program tasks and activities with other environmental program activities for long and short term planning including annual update of the CRSP with the stakeholders. In addition, providing educational information to Tribal members on NPS Program and implementation.

Goals and objectives: To meet the goal of the NPS Program to assist tribes in developing the capacity to manage their own NPS Programs and to develop and implement BMP measures to minimize impacts to water resources. In addition to providing NPS educational information on BMP implementation to protect water resources.

Approach/Responsibilities: The WEPD Director and Coordinator will schedule and coordinate program activities. The WEPD Director and Coordinator will hire/train staff, hold staff meetings, draft RFPs and develop contracts as necessary. The Tribe's General Counsel, Administrator, Finance Director, and Secretary/Treasurer will review and make any modifications on contracts. The WEPD staff will attend Tribal managers meetings, and other meetings related to NPS. The WEPD Administrative Assistant will assist with arranging travel, training, and record keeping of program activities. The WEPD Director and Coordinator will research and draft environmental grant proposals to assist with meeting the goals and objectives. The ES II NPS lead or other WEPD staff will attend the Carson River Watershed meetings and assist with updating the CRSP, and coordinate activities with the Conservation Crew to implement projects. WEPD staff will evaluate and assist with recommendations on local stormwater issues that are impacting Tribal resources (e.g. Sun Ridge, Highways, and Topsy Lane areas). WEPD staff will attend NPS workshops and trainings related to implementation. WEPD staff will develop educational activities and hands-on BMP implementation trainings to Tribal members at events and through articles, fliers and website.

Environmental Outcomes/Results: This task will result in building Tribal capacity in NPS management on tribal lands and coordination of WEPD program activities. WEPD will provide educational opportunities to over 100 people on WEPD NPS Program and BMP implementation.

Output/Deliverables & Target Dates:

1. Status of activities will be summarized in quarterly reports.

2. A copy of a list of trainings/workshops and copies of meeting calendars/developed outreach materials or articles will be submitted with quarterly reports.

Estimated Cost: \$ 21,520

2.3 “On-the-Ground” Planning and Implementation: NPS Floodplain Conservation, Trail and Roadway Stabilization/Decommission and Bank Stabilization Projects for Washoe Tribal Silverado Parcel, Nevada

Purpose and Need: To stabilize and reclaim the surface disturbance area, reduce soil erosion, and control runoff and sediment delivery from stormwater runoff from developments, trails and roadways. Including the implementation of NPS BMP measures to address degradation of several drainage channels impacting the Tribe’s Silverado Parcel (refer to Map 1), located within the Carson River Watershed, NV. The project will provide the resources necessary to continue implementing erosion and sediment control measures to protect and to stride towards restoring water quality, watershed condition, and improve vegetative cover on tribal lands as outlined in the Washoe Tribe of Nevada & California's Non Point Source Assessment and Management Program and implementing the projects under the Carson River Stewardship Plan.

Goals and objectives:

Goals:

1. Reduce excessive sediment transport.
2. Reduce risk of possible surface and ground water contamination.
3. Decrease non point source impacts through education and outreach.
4. Improve vegetative cover.
5. Improve stormwater conveyances.

Project objectives:

1. Erosion and sediment controls using rock or log check dams, rock structures, diversions, sediment retention or conveyances.
2. Reduction of excessive sediment transport and long-term potential of improved surface and ground water quality for aquatic and terrestrial species.
3. Provide public outreach opportunities by promoting Tribal BMP education program by providing training, hosting special tours, and giving presentations.

Approach/Responsibilities: The following approach, activities and responsibilities will be completed by WEPD staff.

1. The WEPD Director and Coordinator will assign personnel to complete sections of this task. Assign tasks to WEPD personnel and identify any possible modifications needed in work plan. Complete time-table coordinating funding efforts. Draft RFPs for contractors to complete engineering designs, inspect projects, and assist with implementation where needed. In addition to completing required tribal contracting steps. Schedule the Tribal Conservation Crew to

implement projects. Coordinate NPS Program activities with other WEPD activities. Obtain any necessary permits and have Tribal Historic Preservation Officer assess project area. Administrative assistant will assist with record keeping and any necessary travel, event or training arrangements.

2. Construct implementation projects (refer to Map 1)
 - Installation of drainage bank stabilization measures, structures, rock check/log check dams, and reshaping, combined with vegetative treatments in 4 segments (approx 1-2 vertical foot and 5,900 linear feet) of degraded drainage channels as erosion and sediment control measures
 - Installation of bioengineering practices (e.g. willow fascines, brush layering, pole plantings) on approximately 3 acres to restore hydrological function of drainage areas.
 - Installation of grade control structures in 4 areas to stabilize and improve the hydrological function of drainage areas
 - Work with partners (ITCN Tribal Liaison, CCWG, and NDOT etc.).
 - Drainage bank stabilization utilizing willow fascines, geotextiles, brush layering, waddles, vegetative treatments, rock, and pole planting along approximately 200 linear feet of Indian Hills Canyon.
3. Conduct training of tribal crews and volunteers. Identify materials to be used and make a timeline for collection or purchasing.
4. Provide NPS Program educational opportunities (website, articles, events, etc.) and BMP demonstration projects to tribal members. Host tours of project site for Tribal members, local watershed groups and others.
5. Develop and conduct monitoring activities according to Monitoring Plan. Utilize GPS/GIS to map areas and document implementation. Establish photo points and work with NDOT.

Environmental Outcome/Results:

It is anticipated that the projects implementation will result in reduced sediment delivery, reduced delivery of nutrients, increased bank stability, restore hydrological function in drainage areas and improved NPS Program and BMP implementation knowledge through education and outreach activities. These results will benefit surface and ground water quality and function, in addition to improving cover for aquatic and wildlife habitat in the Carson River Watershed.

Outputs/Deliverables & Target Dates:

1. Summary of progress of task activities will be submitted with quarterly reports.
2. Final report (acres/feet of vegetation planted, structures installed, estimated yards of sediment controlled, number of willows and cottonwood planted/established, feet of drainage bank/slope, number of degraded drainage channels addressed and other BMP measures taken) detailing the success of the projects/activities, and identify future BMP projects needed in area. (6/30/13)
3. Copy of presentations, and educational materials developed during the project period will be submitted quarterly.

Estimated Cost: \$ 133,413

3.0 MANAGEMENT

3.1 Organization/Staffing

WEPD will be the lead Tribal department organizing, implementing, and administering the program. The WEPD Director and Coordinator will oversee the WEPD NPS lead staff member assigned to the project. The NPS lead is responsible for implementation and applicable staff coordination during the field season. Monthly updates will be provided to the Tribal Council. The NPS lead is responsible for coordinating the project quarterly reporting with WEPD staff (conservation crew and Environmental Specialists). The Administrative Assistant is responsible for record keeping, scheduling travel and completing orders etc. The Director is responsible for administrative oversight and being a liaison between tribal and non tribal entities. The Tribal Financial Department will be responsible for submitting required financial status reports to the EPA. WEPD have been implementing successful NPS projects since 2000 and have the ability to complete the proposed project. NDOT is coordinating with WEPD on the project they are completing.

3.2 Implementation and Schedule

The proposed project will begin on October 1, 2011 and will end on June 30, 2013. Implementation of projects will occur during three field seasons: fall to early winter and spring to summer; the planning of the on-the-ground activities will take place mainly in the dry seasons and during the fall. Field work is contingent on weather and soil conditions.

3.3 Environmental Results Past Performance

The Washoe Environmental Protection Department (WEPD) has had several federal and non-federal agreements within the past three years. Each of the agreements has set **guidelines in reporting of tasks and activities accomplished** during the reporting period. The work plan is used as a program logic model and management tool that is used throughout a program's life. Using evaluation and the logic model results in effective programming and offers greater learning opportunities, better documentation of outcomes, and shared knowledge of what works and why.

Quarterly reports contain the following information:

- Comparison of actual versus expected progress achieving environmental outcomes and outputs, for each work plan task.
- Explanations for lack of progress (or anticipated lack of progress) if applicable.
- Suggestion for improving grant performance or modifying expectations (including proposed changes to target due dates) if necessary.
- Status of expenditures (cumulative) for reporting period and explanations of cost overruns/ under-runs if applicable and equipment purchases.

Five Agreements:

1. EPA Hazardous Waste Management Grant Program for Tribes FY09
2. USDA Rural Development Solid Waste Management Grant FY08
3. EPA Non Point Source 319h since 2000
4. EPA Clean Water Act Section 106 since 1998
5. EPA General Assistance Program since 1994

Currently, the WEPD has over 28 agreements with several agencies including: U.S Forest Service, EPA, Department of Transportation, U.S. Department of Energy, Bureau of Reclamation, Bureau of Indian Affairs, Indian Health Service, and NRCS etc. Examples of outputs and outcomes from previous agreements include the establishment of several law and order codes, completion of a Non Point Source Assessment and Management Plan, draft Water Quality Standards, Unified Watershed Assessment, Open Dump Closure Plans, wellhead protective fencing on 8 sites, several streambank stabilization projects, wildland fire vegetative and erosion control implementation projects, and implementation of the Washoe Integrated Solid Waste Management Plan. The above five agreements listed were implemented successfully by WEPD.

The WEPD also has mandatory monthly reporting requirements for the Tribal Council which assists with keeping the Council informed of activities, issues, and project updates. The reporting has benefited WEPD in gaining Tribal Council support in natural resource protection. The EPA Project Officer for the Tribe's water programs has a strong relationship with WEPD and also is aware of local watershed issues. The long standing partnerships (federal, state, local, and tribal) within the Carson River Watershed has also lead to many important efforts to protect water quality and other natural resources.

4.0 BUDGET NARRATIVE

A detailed line itemed budget has been developed and is included within this document. The budget defines and outlines cost elements and is the basis for implementing and maintaining the agreement. The itemized budget includes a column indicating the source of matching requirements by the Tribe.

Appendix A contains the budget details that reflect the overall costs for each component of the project. The matching requirements will be met through in-kind contributions.

4.1 Personnel

Personnel costs include costs for WEPD staff. The cost is associated with the activities under the *Approach/Responsibilities* section of the Work Plan (Appendix A). Estimated time for all staff involved in the program is budgeted. The Tribal Historic Preservation Officer's time to assess the site will be used as in-kind match.

4.2 Fringe Benefits

Fringe benefits are required to maintain the staff positions and include statutory payments, health and liability insurance, retirement, and vacation liability. The rates are established through the Tribal policy and must be applied against all labor costs. Rates include FICA, SUTA, SIIS, health insurance, retirement, vacation, and liability insurance.

4.3 Travel

Travel costs include the cost to project area and related meetings (federal rate is used) and non local travel costs for NPS related trainings and workshops and fuel costs for the equipment.

4.4 Contractual

Contractual costs includes contractor for any design, permitting, and any necessary project oversight.

4.5 Supplies

Supplies will be needed to support office work and field activities. Supplies for the field will be hand tools, string, gloves and other small purchases that are necessary for on the ground implementation.

4.6 Other

Other costs includes: Best Management Practice (BMP) materials such as rock, piping, matting, native seed and plants, stakes, separator, etc. Communication and maintenance line item which are costs associated with phones, internet, alarm fees, electricity, water/sewer costs. These are program costs not covered under indirect costs. In addition the Tribe's in-kind contribution for screened cobble rock, wood chips, willow/cottonwood and equipment for bank stabilization. Rental of large equipment such as an excavator and track-hoe are also included.

4.7 Total Direct Costs

Total direct costs are the sum of the cost elements shown above. The amount requested complies with the *EPA FY 2011 Request for Proposals from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319*.

4.8 Indirect Costs

The Tribe has an approved 2010 Indirect Cost Rate (on file at EPA R9) and plans on submitting the 2011 proposal in October thus the 2011 Indirect Cost Rate is expected to be approved prior to the full application package start date of the proposed project. The budget reflects the proposed 2011 rate of 12.08% that was submitted to BIA for approval.

4.9 In-Kind Costs

The Tribe will provide the required "In-Kind" match and is covered under the "Personnel and Other" line items. General guidelines on appropriate sources of In-kind contributions have been supplied by the EPA and will be followed. The Tribe is expecting approval for the 10% hardship waiver which was utilized for the proposal. The Waiver Request has been sent to the EPA Region 9 Administrator for review and approval.

4.10 Total Program Costs

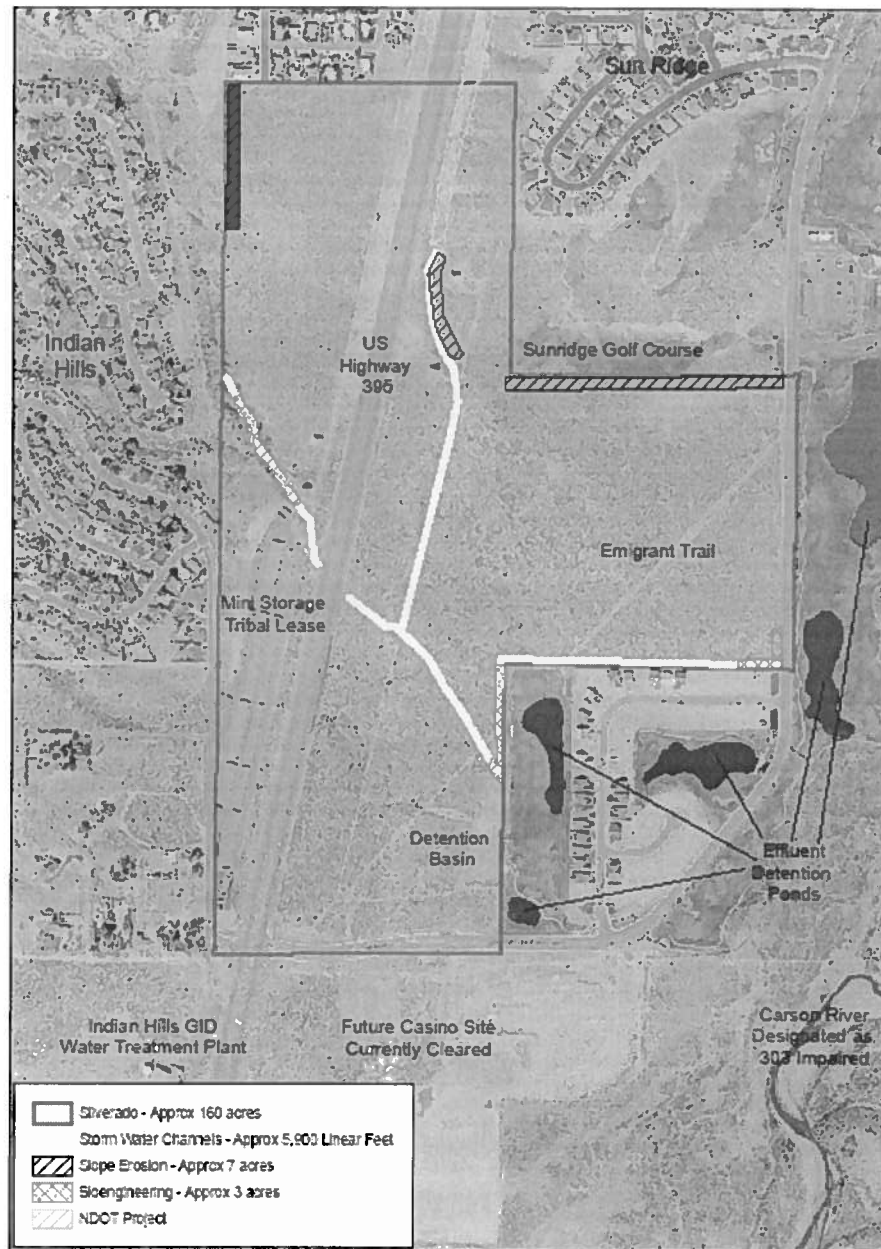
Total program costs are the sum of direct, indirect costs and the match.

MAP

Map 1 EPA NPS Watershed Project FY11, Washoe Silverado Parcel

Map 1. EPA NPS Watershed Project FY11
Washoe Tribe's Silverado Parcel

Washoe Tribe of NV and CA
Environmental Protection Department
GIS: J. Johnson
January 2011



This data has been compiled as a geographic information system for the use of Washoe Tribe Environmental. The data does not represent survey information and should not be construed as a replacement for the authoritative source. The Washoe Tribe assumes no liability in the sufficiency or accuracy of this data.

Tables

Proposed Line Item Budget

Proposed NPS Watershed Project Budget FY11

| LINE ITEM | CALCULATION | EPA REQUEST | IN-KIND MATCH |
|--|--|----------------|---------------|
| Personnel | | | |
| Environmental Department Director | 44.25/hour x 200 | 8,850 | |
| Environmental Coordinator | 33.25/hour x 100 | 3,325 | |
| 1 FTE Environmental Specialist II | 23.38/hour x 1100 | 25,718 | |
| Tribal Historic Preservation Officer | 36.58/hr x 20 | | 732 |
| Environmental Specialist I | 17.57/hour x 500 | 8,785 | |
| Washoe Conservation Crew | 15.06 x 500 x 3 | 22,590 | |
| Administrative Assistant I | \$19.32/hour x 150 | 2,898 | |
| Subtotal | | 72,166 | 732 |
| Personnel | | | |
| Fringe Benefits | | | |
| FICA | 0.0765 | 5,521 | 56 |
| SUTA | 0.018 | 1,299 | 13 |
| SIIS | 0.0221 | 1,595 | 16 |
| Health Insurance | \$578/mo x .75 FTE x 20 | 8,670 | 50 |
| Vacation Liability | .125 x sal | 9,021 | |
| Liability Insurance | \$40mo x 3 x 20 | 2,400 | |
| Retirement Plan | .06 sub sal | 4,330 | |
| Subtotal Fringe Benefits | | 32,835 | 135 |
| Subtotal Personnel & Fringe | | 105,001 | 867 |
| Travel | | | |
| Local Travel | \$.50per mile x 3,000 | 1,500 | |
| Fuel for equipment | 150 gals @ \$3.33/gal | 500 | |
| Non Local Travel | Workshops and Trainings | 2,000 | |
| Subtotal Travel | | 4,000 | |
| Contractual | | | |
| Contractor for engineering design, project oversight and any necessary permits | | 5,001 | |
| Subtotal Contractual | | 5,001 | |
| Supplies | | | |
| General Office | \$35.71 x 14mo | 500 | |
| Field Supplies | Field tools | 1,500 | |
| Subtotal supplies | | 2,000 | |
| Other | | | |
| BMP materials | piping,matting, rock, native seed and plants, stakes, separator etc. | 9,770 | |
| Washoe Tribe | cobble rock @ \$20 yrd x 100yds = (\$2,000), wood chips @ \$25yrd x 15yds = (\$375), willow @ \$1.00ft x 350ft. | | 2,725 |
| Communication/Maintenance | phone, internet, cell phone, postage, elect, etc. | 1,600 | |
| Equipment Rental | Excavator / Track hoe (\$1,000 day x 9.5) | 7,000 | |
| Washoe Tribe | trailer to haul materials, equipment, and tools @ 25day x 30 days = (\$750), vehicle use for project mobilization 6 wks @ \$350/wk = (\$4,200), dump truck @ \$750 wk x 3wks = (\$2,250), backhoe @ \$1,450/wk x 3wks = (\$4,350) etc. | | 13,075 |
| Subtotal Other | | 18,370 | 15,800 |
| Total Direct Costs | | 134,372 | 16,667 |
| Indirect costs @ 12.08% minus contractual and equipment | | 15,628 | |
| Total Project Costs | | 150,000 | 16,667 |

* In-Kind Reflects Waiver request for 10% match

APPENDIX A: Table Work Plan (attached)

APPENDIX B: Supporting Documentation (attached)

WASHOE TRIBE OF NEVADA & CALIFORNIA
EPA TRIBAL NONPOINT SOURCE PROGRAM FY11
PROPOSED WATERSHED WORKPLAN IMPLEMENTATION OF WATERSHED-BASED PLAN
OCTOBER 1, 2011 THROUGH JUNE 30, 2013

| Program Administration Component: DESCRIPTION OF TASKS & ACTIVITIES | DELIVERABLES/ OUTPUTS & TARGET DATES | BEGIN & END DATES | ESTIMATED PERSON/YEARS (2080hrs = 1 YR) | ESTIMATED COST |
|--|--|---|---|---|
| <p>Task 1. Summarize Progress; Program Annual Evaluation/Program Fiscal Admin</p> <p><i>Purpose and Need:</i> Progress reports are necessary to evaluate the effectiveness of our NPS Program. The Tribe is required to submit quarterly progress reports to the EPA and jointly evaluate grant accomplishments with the EPA Project Officer. Washoe Environmental Protection Department (WEPD) is required to submit monthly progress reports to the Tribal Council. In addition, as a NPS grantee, the Tribe is required to adhere to administrative requirements identified in 40 CFR Part 31 and OMB Circular A-87.</p> <p><i>Goals and Objectives:</i> To keep the Tribe and EPA informed of WEPD accomplishments, expenditures, challenges, and activities and maintain compliance with administrative requirements.</p> <p><i>Approach/Responsibilities:</i> The WEPD will submit monthly reports to the Tribal Council and quarterly reports to the EPA. The Tribe's final report will assess the progress and accomplishments for the entire project period. The EPA Project Officer will comply with and review WEPD quarterly reports and will provide a written evaluation "final report" of WEPD progress under the NPS agreement. A draft of the EPA Project Officer's evaluation will be submitted to the Environmental Director for review prior to being finalized and sent to the Tribal Chairwoman.</p> <p>Quarterly reports will contain the following information:</p> <ul style="list-style-type: none"> A discussion of accomplishments as measured against the work plan commitments and anticipated environmental outputs and outcomes, for each work plan task. A discussion of the cumulative effectiveness of the work performed under all work plan components. A discussion of existing and potential problem areas. Suggestions for improvement, including, where feasible, schedules for making improvements. Status of expenditures (cumulative) for reporting period and explanations of cost overruns/under-runs if applicable. <p><i>Environmental Outcomes/Results:</i> This task will keep WEPD and the Tribe in compliance with 40 CFT 31.40, 31.41, 35.507, 35.515, and 35.638 federal reporting requirements and evaluate performance under this agreement.</p> | <ol style="list-style-type: none"> Quarterly Reports to EPA (12/31/11, 3/31/12, 6/30/12, 9/30/12, 12/31/12, 3/31/13) Final Report: due 90 days following 6/30/13 end date. Tribal Council Reports are due the first week of every month. Reports are available upon request by EPA Project Officer. Financial Status Report (submitted quarterly by the Tribal Finance Dept. Final FSR will be submitted 90 days after end date (6/30/13). DBE (10/30/12 and 90 days after end date (6/30/13) | <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/31/13</p> <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/30/13</p> | <p>PD 60hrs PC 25hrs ES II 150hrs ES I 50hrs AA 50hrs</p> <p>Total Hours: 335</p> | <p>PD: \$ 2,655 PC: \$ 831 ES II: \$3,507 ES I: \$879 AA: \$966 F/T/O/I \$3,775</p> <p>Total: \$ 11,734</p> |

**WASHOE TRIBE OF NEVADA & CALIFORNIA
EPA TRIBAL NONPOINT SOURCE PROGRAM FY11
PROPOSED WATERSHED WORKPLAN IMPLEMENTATION OF WATERSHED-BASED PLAN
OCTOBER 1, 2011 THROUGH JUNE 30, 2013**

| Program Capacity-Building and Coordination Component: DESCRIPTION OF TASKS & ACTIVITIES | DELIVERABLES/ OUTPUTS & TARGET DATES | BEGIN & END DATES | ESTIMATED PERSON/YEARS (2080hrs = 1 YR) | ESTIMATED COST |
|--|---|---|---|--|
| <p>Task 2. Program Capacity-Building and Coordination</p> <p><i>Purpose and Need:</i> To coordinate and schedule WEPD NPS program tasks and activities with other environmental program activities for long and short term planning. In addition to providing educational information to Tribal members on NPS Program and implementation.</p> <p><i>Goals and objectives:</i> To meet the goal of the NPS Program to assist tribes in developing the capacity to manage their own NPS Programs and to develop and implement BMP measures to minimize impacts to water resources. In addition to providing NPS educational information on BMP implementation to protect water resources.</p> <p><i>Approach/Responsibilities:</i></p> <ul style="list-style-type: none"> The WEPD Director and Coordinator will schedule and coordinate program activities. The WEPD Director and Coordinator will hire/train staff, hold staff meetings, draft or review RFPs and develop contracts as necessary. The Tribe's General Counsel, Administrator, Finance Director, and Secretary/Treasurer will review and make any modifications on contracts. The WEPD staff will attend Tribal managers meetings, and other meetings related to NPS. The ES II NPS lead will attend Carson River Watershed multi agency meetings, and coordinate activities with the Conservation Crew to implement projects. WEPD staff will evaluate and assist with recommendations on local stormwater issues that are impacting Tribal resources (e.g. Sun Ridge and Topsy Lane areas). WEPD staff will attend NPS workshops and trainings related to implementation. The WEPD Administrative Assistant will assist with arranging, travel, training, and record keeping of program activities. The WEPD Director and Coordinator will research and draft environmental grant proposals to assist with meeting the goals and objectives of the Tribe. WEPD staff will develop educational activities and hands-on-BMP implementation trainings to Tribal members at events and through articles, fliers and website. <p><i>Environmental Outcomes/Results:</i> This task will result in building Tribal capacity in NPS management on tribal lands and coordination of WEPD program activities. In addition to educating through outreach efforts reach over 150 people on WEPD NPS Program and BMP implementation.</p> | <p>1. Status of activities will be summarized in quarterly reports.</p> <p>2. A copy of a list of trainings/workshops and copies of meeting calendars and other developed materials will be submitted with quarterly reports.</p> | <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/30/13</p> | <p>PD 60hrs PC 50hrs ES II 300hrs ES I 50hrs AA 50hrs</p> <p>Total Hours: 510</p> | <p>PD: \$2,655 PC: \$1,663 ES II: \$7,715 ES I: \$ 879 AA: \$956 F/T/O/L: \$7,652</p> <p>Total: \$21,520</p> |

*Program Director = PD
Program Coordinator = PC
Environmental Specialist II = ES II
CC = Conservation Crew

S /F/O/E/I= Supplies/Fringe/Other, Equipment, and Indirect
AA = Administrative Assistant
THPO = Tribal Historic Preservation Officer
Contractor = C

WASHOE TRIBE OF NEVADA & CALIFORNIA
EPA TRIBAL NONPOINT SOURCE PROGRAM FY11
PROPOSED WATERSHED WORKPLAN IMPLEMENTATION OF WATERSHED-BASED PLAN
OCTOBER 1, 2011 THROUGH JUNE 30, 2013

| Implementation of NPS On-the-Ground Projects Component: DESCRIPTION OF TASKS & ACTIVITIES | DELIVERABLES/ OUTPUTS & TARGET DATES | BEGIN & END DATES | ESTIMATED PERSON/YEARS (2080hrs = 1 YR) | ESTIMATED COST |
|--|--|--|--|---|
| <p>Task 3. "On-the-Ground" Planning and Implementation: NPS Floodplain Conservation, Trail and Roadway Stabilization and Bank Stabilization Projects for Washoe Tribal Silverado Parcel, Nevada</p> <p><i>Purpose and Need:</i> To stabilize and reclaim the surface disturbance area, reduce soil erosion, and control runoff and sediment delivery from stormwater runoff from developments, trails and roadways. Including the implementation of NPS BMP measures to address degradation of several drainage channels impacting the Tribe's Silverado Parcel (refer to Map 1), located within the Carson River Watershed, NV. The project will provide the resources necessary to continue implementing erosion and sediment control measures to protect and to stride towards restoring water quality, watershed condition, and aquatic and riparian habitat on tribal lands as outlined in the Washoe Tribe of Nevada & California's Non Point Source Assessment and Management Program and implementing the projects under the Carson River Stewardship Plan.</p> <p><i>Goals and objectives:</i></p> <p><u>Goals:</u></p> <ol style="list-style-type: none"> 1. Reduce excessive sediment transport. 2. Reduce risk of possible surface and ground water contamination. 3. Decrease non point source impacts through education and outreach. 4. Improve vegetative cover. 5. Improve stormwater conveyance <p><u>Project objectives:</u></p> <ol style="list-style-type: none"> 1. Erosion and sediment controls using rock or log check dams, rock structures, diversions, sediment retention or conveyances. 2. Reduction of excessive sediment transport and long-term potential of improved surface and ground water quality for aquatic and terrestrial species. 3. Provide public outreach opportunities by promoting Tribal BMP education program by providing training, hosting special tours, and giving presentations. | <ol style="list-style-type: none"> 1. Summary of progress of task activities will be submitted with quarterly reports. 2. Final report (acres/feet of vegetation planted, structures installed, estimated sediment controlled, number of willows/cottonwood planted/established, feet of drainage bank/slope stabilized, number of headcuts and degraded drainage areas addressed and other BMP measures taken) detailing the success of the projects/activities, and identify future BMP projects needed in area. (6/30/13) 3. Copy of presentations, and educational materials developed during the project period will be submitted quarterly. | <p>10/1/11 – 6/30/13</p> <p>10/1/11 – 6/30/12</p> <p>10/1/10 – 6/30/13</p> | <p>PD 80hrs PC 25hrs ES II 650hrs ES I 400hrs CC 3x 500hrs AA 50hrs THPO 20hrs</p> <p>Total Hours: 2,725</p> | <p>PD: \$ 3,540 PC: \$ 831 ES II: \$15,197 ES I: \$7,028 CC: \$22,590 AA: \$ 956 THPO: \$(867) S /F//O/E/I: \$61,603 C : \$5,001 E/O: \$15,800</p> <p>Total: \$133,413</p> <p>Total: 150,000 InKind: 16,667</p> <p>Project:</p> |

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Program Coordinator = PC
Environmental Specialist II = ES II
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**WASHOE TRIBE OF NEVADA & CALIFORNIA
EPA TRIBAL NONPOINT SOURCE PROGRAM FY11
PROPOSED WATERSHED WORKPLAN IMPLEMENTATION OF WATERSHED-BASED PLAN
OCTOBER 1, 2011 THROUGH JUNE 30, 2013**

| | | | | |
|--|--|--|--|---------|
| <p>Task 3 continued...</p> <p><i>Approach/Responsibilities:</i> The following approach, activities and responsibilities will be completed by WEPD staff.</p> <ol style="list-style-type: none"> 1. The WEPD Director and Coordinator will assign personnel to completing sections of this task. Assign tasks to WEPD personnel and identify any possible modifications needed in work-plan. Complete time-table coordinating funding efforts. Draft RFPs for contractors to complete engineering designs, inspect projects, and assist with implementation where needed. In addition to completing required tribal contracting steps. Schedule the Tribal Conservation Crew to implement projects. Coordinate NPS Program activities with other WEPD activities. Obtain any necessary permits and have Tribal Historic Preservation Officer assess project area. Administrative assistant will assist with record keeping and scheduling any necessary travel, event or training arrangements. 2. Construct implementation projects. <ol style="list-style-type: none"> a. Erosion and sediment control measures at 12 degraded drainage channel areas; installation of BMP rock/log check dams, diversions, sediment retention and conveyance systems, and vegetative treatments. Utilize bioengineering BMPs on 4 areas to stabilize and improve hydrological function of meadow and riparian areas. b. Work with partners (ITCN Tribal Liaison, NDEP, NDOT, CWSD, and Tribal departments etc.). Coordinate project with NDOT (plans attached). c. Channel bank stabilization utilizing bioengineering practices willow fascines, brush layering, waddles, vegetative treatments, rock, and pole planting along approximately 200 linear feet. d. Trail and roadway stabilization utilizing BMPs. 3. Conduct training of tribal crews and volunteers. Identify materials to be used and make a timeline for collection or purchasing. 4. Provide NPS Program educational opportunities (website, articles, events etc.) and BMP demonstration projects to tribal members. Host tours of project site for Tribal members, local watershed groups and others. 5. Develop and conduct monitoring activities according to the Project Monitoring Plan. Utilize GPS/GIS WEPD staff to map areas and document implementation. Establish photo points. Work with NDOT and Tribal departments on sediment transport data. | | | | 166,667 |
|--|--|--|--|---------|

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**WASHOE TRIBE OF NEVADA & CALIFORNIA
EPA TRIBAL NONPOINT SOURCE PROGRAM FY11
PROPOSED WATERSHED WORKPLAN IMPLEMENTATION OF WATERSHED-BASED PLAN
OCTOBER 1, 2011 THROUGH JUNE 30, 2013**

| | | | | |
|--|--|--|--|--|
| <p>Task 3 continued...</p> <p><i>Environmental Outcome/Results:</i> It is anticipated that the projects implementation will result in reduced sediment delivery, reduced delivery of nutrients, increased bank stability, restore hydrological function in drainage areas and improved NPS Program and BMP implementation knowledge through education and outreach activities. These results will benefit surface and ground water quality and function, in addition to improving cover for aquatic and wildlife habitat in the Carson River Watershed.</p> | | | | |
|--|--|--|--|--|

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Contractor = C



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7531
Fax: (775) 888-7177

MEMORANDUM

January 6, 2011

TO: Dan Greytak/Washoe Tribe or whom it may concern
FROM: Eric Yount/NDOT Hydraulics Section
SUBJECT: US 395 South, Mica Channel Improvements, NDOT EA 73505

Hi Dan,

Per our conversation earlier today, as part of the US 395 Project South of Carson City, NDOT EA #73505, NDOT will be constructing drainage improvements for channel stabilization and water quality improvements as part of this project. The southern portion of these drainage improvements fall on the east side of US 395 south of Mica Drive, of which, approximately 550' of these improvements reside on Tribal property within the NDOT Right of way between channel station "ME" 16+50 to "ME" 22+00 as depicted in the preliminary NDOT contract plans for this project. We have estimated the cost of constructing this 550' section of the drainage improvements residing on Tribal Property at approximately \$71,000 including construction and direct engineering costs.

I hope this provides you with the information you need. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads 'Eric Yount'.

Eric Yount
Principal Hydraulic Engineer - NDOT

Applicant Name and Address

Washoe Tribe of Nevada and California
919 Highway 395 South
Gardnerville, NV 89410

Contact Person

Marie Barry, Environmental Director
(775) 265-8682 Fax: (775) 265-3611
Email: marie.barry@washoetribe.us

Introduction/Background

The Washoe Tribe has a long commitment to the restoration of Tribal lands and the aboriginal homelands. The Washoe Environmental Protection Department (WEPD) has completed with approval from the Tribal Council and the Environmental Protection Agency (EPA) the Nonpoint Source Assessment and Management Program, the Sampling and Analysis Plan for the Water Quality Monitoring Program, and the Quality Assurance Project Plan. The Tribe has joined forces with federal, state, and local governments to protect the Carson River Watershed environment in areas such as water quality, air quality, bank stabilization, and wildlife habitat improvement. WEPD has also worked with Tribal elders and children on the restoration and recording of the knowledge base of traditional and customary stewardship and practices and incorporate native practices and vegetation in projects.

The Washoe Tribe has been awarded NPS 319h grant funding since 2000. WEPD through the NPS projects has thus far implemented Phases I - III of a multiple phased project at Stewart Ranch, Phases 1 – 11 at Stewart Community, Clear Creek, Carson Community Waterfall Fire Erosion Control Projects, and Stormwater Improvement Projects within the Carson River and Clear Creek Watersheds in Nevada. Washoe NPS projects have resulted in over 5,000 vertical feet of riverbank stabilization, six alternative water sites for livestock, development of a cattle grazing plan, monitoring components, and held education and outreach events, installation of 3 miles of fencing along the Carson River corridor, bioengineering training, water quality monitoring, wellhead protection, ranching BMP measures, and several erosion and stormwater control projects. The WEPD received the 2004 Environmental Award for Outstanding Achievement from EPA IX for NPS efforts. The NPS Program is the most well-known Program within WEPD because of the immediate results and during implementation tribal members are known to show up ask questions and sometime assist in implementation. Examples of some results from our projects include sedimentation loading reductions new vegetative vigor or barrier, fencing around wellheads has protected the drinking water sources from potential contamination, stormwater impoundments and improvements have assisted with reduction of urban runoff pollutants and sedimentation, several demonstration projects have been done at events such as Earth Day to show members how to improve NPS issues around their homes.

The Tribe's Nonpoint Source Program with NPS FY10 Base funding continues to focus on wellhead protection. WEPD will install fencing around a spring well site at Carson Community and will contract to have abandoned wells properly sealed with WUMA staff's assistance. All wellheads are surveyed for possible contamination sources (PCS) on a regular basis so that issues are brought to the attention of managers and community leaders. The proposed implemented protects will assist in efforts towards protecting the Tribe's water resources as outlined in the Washoe Tribe of Nevada & California's Nonpoint Source Assessment and Management Program. The goals, objectives, outputs, results, timelines, and costs are detailed in the narrative work plan and detailed budget (attached).

Washoe Tribe of Nevada & California
EPA Nonpoint Source Program FY11
Work Plan A Base
October 1, 2011 through December 31, 2012

| Description of Components & Activities | Deliverables/Outputs & Target Dates | Dates | | Estimated person/yr (2080 hrs/yr) | Estimated Cost * |
|--|--|---------|----------|---|---|
| | | Start | End | | |
| Component 1. Summarize Progress; Program Annual Evaluation/Fiscal Admin. <i>Purpose and Need:</i> Progress reports are necessary to evaluate the effectiveness of our NPS Program. The Tribe is required to submit quarterly progress reports to the EPA and jointly evaluate grant accomplishments with the EPA Project Officer. In addition Washoe Environmental Protection Department (WEPD) is required to submit monthly progress reports to the Tribal Council. As a NPS Program recipient, the Tribe is required to adhere to administrative requirements identified in 40 CFR Part 31 and OMB Circular A-87. <i>Goals and Objectives:</i> Meet federal administrative and reporting requirements under the NPS Program. The objective is to keep the Tribe and EPA informed of the WEPD's NPS Program accomplishments, expenditures, challenges, and activities. <i>Approach/Responsibilities:</i> The WEPD will submit monthly reports to the Tribal Council and quarterly reports to the EPA. The Tribe's last quarter "final" report will assess the progress and accomplishments for the entire project period. The EPA Project Officer will review WEPD quarterly reports and will provide a written evaluation "end of year report" of WEPD progress under the NPS grant. A draft of the EPA Project Officer's evaluation will be submitted to the Environmental Director for review prior to being finalized and sent to the Tribal Chair. Quarterly reports will contain the following information: <ul style="list-style-type: none"> • A discussion of accomplishments as measured against the work plan commitments and anticipated environmental outputs and outcomes, for each work plan task. • A discussion of the cumulative effectiveness of the work performed under all work plan components. • A discussion of existing and potential problem areas. • Suggestions for improvement, including, where feasible, schedules for making improvements. • Status of expenditures (cumulative) for reporting period and explanations of cost overruns/under-runs if applicable. <i>Environmental Outcomes/Results:</i> This task will keep WEPD and the Tribe in compliance with federal reporting requirements and evaluate performance under this agreement. | <ol style="list-style-type: none"> Quarterly Reports to EPA (12/31/11, 3/31/12, 6/30/12, 9/30/12) Final Report (Annual Report) (12/31/12 (90 days after end date) Tribal Council Reports are due the first week of every month. Reports are available upon request by EPA Project Officer. Financial Status Report (quarterly and 90 days after end date) MBE/WBE (10/30/12 and 90 days after end date) | 10/1/11 | 12/31/12 | PD: \$44.25 x 18/hr PC: \$33.25 x 5/hr ES II: \$23.38 x 83/hr F/T/O/I: Total hours: 106 | \$ 797 \$ 166 \$2,837 \$1,976 Total: \$ 5,776 |

*Program Director = PD
Program Coordinator = PC
Environmental Specialist II = ES II
WT = WUMA Tech II
CC = Conservation Crew

S /F//O/E= Supplies/Fringe/Other, Equipment, and Indirect
AA = Administrative Assistant
WM = WUMA Manager
Contractor = C

Washoe Tribe of Nevada & California
EPA Nonpoint Source Program FY11
Work Plan A Base
October 1, 2011 through December 31, 2012

| October 1, 2011 through December 31, 2012 | | | | | | | | | |
|---|--|---|--|---|----------|--|--|---------------------------------------|--|
| Description of Components & Activities | | Deliverables/Outputs & Target Dates | | Dates Start End | | Estimated person/yr (2080 hrs/yr) | | Estimated Cost * | |
| Component 2. Program Capacity-Building and Coordination | | | | | | | | | |
| <i>Purpose and Need:</i> To coordinate and schedule WEPD NPS program tasks and activities with other environmental program activities for long and short term planning. | | 1. Status of activities will be summarized in quarterly reports. | | 10/1/11 | 12/31/12 | PD: \$44.25 x 10/hr PC: \$33.25 x 20/hr ES II: \$23.38 x 83/hr F/T/O/I: | | \$ 443 \$ 665 \$2,837 \$1976 | |
| <i>Goals and objectives:</i> To meet the goal of the NPS Program to assist tribes in developing the capacity to manage their own NPS Programs and to develop and implement BMP measures to minimize impacts to water resources. In addition to educating the tribal community on the importance of water quality protection and NPS Program. | | 2. List of trainings and meeting calendars will be provided with quarterly reports. | | 10/1/11 | 12/31/12 | Total hours: 113 | | Total: \$5,921 | |
| <i>Approach/Responsibilities:</i> <ul style="list-style-type: none">The WEPD Director and Coordinator will schedule and coordinate program activities. The WEPD Director and Coordinator will hire/train staff, hold staff meetings, and maintain the administrative record with the Tribal Finance Department.The WEPD staff will attend the Nevada Tribal managers meetings and other meetings regarding NPS. WEPD staff will evaluate and assist with recommendations on local stormwater issues that are impacting Tribal resources (e.g. Clear Creek, Sun Ridge, and Topsy Lane areas) In addition, staff will assist other NV Tribes with NPS technical assistance. The WEPD Administrative Assistant will assist with arranging, travel, training, and record keeping of program activities.The WEPD Director and Coordinator will research and draft environmental grant proposals to assist with meeting the goals and objectives.WEPD staff will attend NPS workshops and trainings related to implementation. WEPD staff will complete NPS educational activities within the four tribal communities and other events such as Earth Day and Washoe on the River Day.WEPD staff will work with CRC and other Stakeholders to update the Carson River Watershed Plan.WEPD will complete strategic planning for the NPS Program to include into WEPD and the Tribe's Strategic Plan. | | 3. Copies of presentations, and developed educational materials will be provided quarterly. | | 10/1/11 | 12/31/12 | | | | |
| <i>Environmental Outcomes/Results:</i> This task will assist in building Tribal capacity and coordination of WEPD program activities and educate community members regarding NPS Program and issues impacting tribal lands. | | | | | | | | | |

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Contractor = C

**Washoe Tribe of Nevada & California
EPA Nonpoint Source Program FY11
Work Plan A Base
October 1, 2011 through December 31, 2012**

| Description of Components & Activities | Deliverables/Outputs & Target Dates | Dates Start End | Estimated person/yr (2080 hrs/yr) | Estimated Cost * |
|---|---|---|--|--|
| <p>Component 3. Implement Wellhead Protection BMP (10-12) <i>Purpose and Need:</i> To protect groundwater resources from pollution WEPD has identified several abandoned wells in Carson Community as potential contaminant sources near Well Head Protection Areas (WHPA), that need to be properly sealed and closed the Tribe through NPS has been properly closing one well at a time as funding is available.. In addition fencing will be completed around a spring site. <i>Goals and objectives:</i> The goal is to reduce potential contaminant sources from Washoe Community WHPA and protect groundwater resources by properly closing two abandoned wells. <i>Approach/Responsibilities:</i></p> <ul style="list-style-type: none"> The Environmental Specialist and ES II will review well records and research the best closure procedure to implement on the Carson abandoned well identified as potential contaminant source (PCS) within the WHPA. ESII will develop closer plans and draft RFP for contractor. The Director and Coordinator will review and finalize the RFP and will send to potential contractors and assist in reviewing quotes for services and finalizing the contract with the Legal staff. Fencing installation will be completed by Washoe Conservation Crew at Carson spring site. ES II will oversee the fencing. ES II will oversee the contractor throughout the contract and will draft a final report. The WEPD staff will coordinate with the Washoe Utilities Management Authority (WUMA) to complete the project and continue evaluating water quality data obtained to meet the requirements under SDWA prior and after the well closures and fencing installations for 8 sites that were fenced in previous NPS efforts to protect Community drinking water sources and continue evaluations on Potential Contaminant Sources within the Well Head Protection Areas. WEPD will coordinate with WUMA to complete PCS quarterly. The WUMA will conduct monthly water sampling as required under the Safe Drinking Water Act for public water systems and will provide data to WEPD to evaluate the success of the past wellhead protection NPS projects. <p><i>Environmental Outcomes/Result:</i> Reporting on BMP (10-12) Wellhead Protection efforts and identification of any new potential contaminant sources (PCS). Closure of two PCS sites in WHPA and protect groundwater resources.</p> | <p>1. Status of activities will be summarized in quarterly reports.</p> <p>2. Summary of findings on implementation of BMP (10-12) due 12/31/12 "final" report.</p> | <p>10/1/11 12/31/12</p> <p>10/1/11 12/31/12</p> | <p>PD: \$44.25 x 12/hr PC: \$33.25 x 15/hr ES II: \$23.38 x 83/hr CC: \$15.06 x 40hr x 4 WUMA In-Kind Match: C F/T/O/I:</p> <p>Total hours: 270</p> | <p>\$ 531 \$ 499 \$2,837 \$2,410 (\$3,333) \$4,000 \$8,852</p> <p>Total: \$ 21,636</p> <p>Federal Cost: \$30,000 In-Kind Match: \$ 3,333 <u>Total Project Cost:</u> <u>\$33,333</u></p> |


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Contractor = C

Washoe Tribe of Nevada and California
EPA NPS FY11 Base Budget

| LINE ITEM | CALCULATION | EPA REQUEST | INKIND MATCH |
|--|--|-------------|--------------|
| Personnel | | | |
| Environmental Department Director | \$44.25/hour x 40 | 1,770 | |
| Environmental Coordinator | \$33.25/hour x 40 | 1,330 | |
| 1 FTE Environmental Specialist II | \$23.38/hour x 250 | 5,845 | |
| Washoe Tribe Task 3 Tech Assistance | Washoe Utility Management Authority Manager \$33.25 x 68hr and Tech. II \$21.25 x 25hr | | 2,493 |
| Washoe Conservation Crew | 15.06 x 40 x 4 crew members | 2,410 | |
| Subtotal Personnel | | 11,355 | 2,493 |
| Fringe Benefits | | | |
| FICA | 0.0765 | 869 | 191 |
| SUTA | 0.018 | 204 | 45 |
| SIIS | 0.0221 | 251 | 55 |
| Health Insurance | 1FT @ \$578.00mo x 6mo | 3,468 | 192 |
| Liability Insurance | \$40/mo x 1/12 | 240 | |
| Vacation Liability | .125 of salaries | 1,419 | |
| Retirement Plan | .06 of salaries | 731 | |
| Subtotal Fringe | | 7,182 | 483 |
| Subtotal Personnel & Fringe | | 18,537 | 2,976 |
| Operating Costs | | | |
| Travel (local) | 1,000 miles x \$.55 | 550 | |
| Subtotal Travel | | 550 | |
| Supplies | | | |
| Office Supplies | general office supplies | 238 | |
| Subtotal supplies | | 238 | |
| Contractual | | | |
| Lab fees | | | 357 |
| Contractor for well closure | | 4,001 | |
| Subtotal Contractual | | 4,001 | 357 |
| Other | | | |
| Fencing materials | | 3,268 | |
| Communications and maintenance | phones,elec, internet, postage | 600 | |
| Subtotal other | | 3,868 | |
| Total Direct Costs | | 27,194 | 3,333 |
| Indirect costs @12.10% minus contractual and equipment | | 2,806 | |
| Total Project Costs | | 30,000 | 3,333 |

* Anticipated 10% hardship match

| | | | | | |
|---|--|---|--|---|---------------------------|
|  | U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment | GRANT NUMBER (FAIN): 00T75301 | | DATE OF AWARD 04/22/2013 | |
| | | MODIFICATION NUMBER: 1 | | MAILING DATE 04/22/2013 | |
| | | PROGRAM CODE: C9 | | | |
| | | TYPE OF ACTION No Cost Amendment | | PAYMENT METHOD: Advance | |
| RECIPIENT TYPE: Indian Tribe | | Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423 | | | |
| RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754 | | PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 | | | |
| PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682 | | EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epa.gov Phone: 775-885-6190 | | EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epa.gov Phone: 415-972-3661 | |
| PROJECT TITLE AND EXPLANATION OF CHANGES Non-Point Source Management Program The purpose of this project is to install 5900 linear feet of streambank stabilization, install 3 acres of bioengineering practices and install 4 grade control structures on the reservation to reduce excess erosion and sediment transport. In addition, activities include implementing wellhead protection and capacity building to improve water quality. This amendment extends the budget and project period ending dates to June 30, 2014. There is no change to the federal funding amount of \$180,000. | | | | | |
| BUDGET PERIOD 10/01/2011 - 06/30/2014 | | PROJECT PERIOD 10/01/2011 - 06/30/2014 | | TOTAL BUDGET PERIOD COST \$200,000.00 | |
| | | | | TOTAL PROJECT PERIOD COST \$200,000.00 | |
| NOTICE OF AWARD | | | | | |
| Based on your Application dated 07/21/2011 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$0. EPA agrees to cost-share <u>90.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$180,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments. | | | | | |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | | | AWARD APPROVAL OFFICE | | |
| ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105 | | | ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105 | | |
| THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY | | | | | |
| Digital signature applied by EPA Award Official for Denise Zvanovec - Grants Management Officer GwenL Brown - Award Official delegate | | | | | DATE 04/22/2013 |

| | | | | | | |
|--|---|---|---|---|---------------|---|
|  | U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement | | ASSISTANCE ID NO. | | | DATE OF AWARD 09/08/2011 MAILING DATE 09/15/2011 ACH# 90103 |
| | | | PRG | DOC ID | AMEND# | |
| | | | C9 - 00T75301 - 0 | | | |
| | | | TYPE OF ACTION New | | | |
| RECIPIENT TYPE: Indian Tribe | | | Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423 | | | |
| RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754 | | | PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 | | | |
| PROJECT MANAGER | | EPA PROJECT OFFICER | | EPA GRANT SPECIALIST | | |
| Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682 | | Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epa.gov Phone: 775-885-6190 | | GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epa.gov Phone: 415-972-3661 | | |
| PROJECT TITLE AND DESCRIPTION Non-Point Source Management Program The purpose of this project is to install 5900 linear feet of streambank stabilization, install 3 acres of bioengineering practices and install 4 grade control structures on the reservation to reduce excess erosion and sediment transport. In addition, activities include implementing wellhead protection and capacity building to improve water quality. This assistance agreement will provide full federal funding in the amount of \$180,000. | | | | | | |
| BUDGET PERIOD 10/01/2011 - 06/30/2013 | | PROJECT PERIOD 10/01/2011 - 06/30/2013 | | TOTAL BUDGET PERIOD COST \$200,000.00 | | |
| | | | | TOTAL PROJECT PERIOD COST \$200,000.00 | | |
| NOTICE OF AWARD Based on your application dated 07/21/2011, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$180,000. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$180,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments. | | | | | | |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | | | AWARD APPROVAL OFFICE | | | |
| ORGANIZATION / ADDRESS | | | ORGANIZATION / ADDRESS | | | |
| U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105 | | | U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105 | | | |
| THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY | | | | | | |
| SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official | | TYPED NAME AND TITLE Carolyn Truong, Grants Management Officer | | DATE 09/08/2011 | | |
| AFFIRMATION OF AWARD | | | | | | |
| BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION | | | | | | |
| SIGNATURE | | TYPED NAME AND TITLE Wanda Batchelor, Chairwoman | | DATE | | |

| FUNDS | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|-------------------------------|--------------|-------------|---------------|
| EPA Amount This Action | \$ | \$ 180,000 | \$ 180,000 |
| EPA In-Kind Amount | \$ | \$ | \$ 0 |
| Unexpended Prior Year Balance | \$ | \$ | \$ 0 |
| Other Federal Funds | \$ | \$ | \$ 0 |
| Recipient Contribution | \$ | \$ 20,000 | \$ 20,000 |
| State Contribution | \$ | \$ | \$ 0 |
| Local Contribution | \$ | \$ | \$ 0 |
| Other Contribution | \$ | \$ | \$ 0 |
| Allowable Project Cost | \$ 0 | \$ 200,000 | \$ 200,000 |

| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
|---|------------------------------|----------------------------|
| 66.460 - Nonpoint Source Implementation | Clean Water Act: Sec. 319(h) | 40 CFR PTS 31 & 35 SUBPT B |

| Fiscal | | | | | | | | | |
|-----------|------------|----|--------------|---------------------|---------|--------------|--------------|-------------------|---------------------------|
| Site Name | Req No | FY | Approp. Code | Budget Organization | PRC | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
| - | 1109W0E160 | 11 | E1 | 09LA0D5 | 202B01E | 4117 | | | 180,000 |
| | | | | | | | | | 180,000 |

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|---|--|
| 1. Personnel | \$86,746 |
| 2. Fringe Benefits | \$40,635 |
| 3. Travel | \$4,050 |
| 4. Equipment | \$0 |
| 5. Supplies | \$18,001 |
| 6. Contractual | \$9,333 |
| 7. Construction | \$0 |
| 8. Other | \$20,881 |
| 9. Total Direct Charges | \$179,646 |
| 10. Indirect Costs: <u>12.10%</u> Base <u>Various Rates Apply</u> | \$20,354 |
| 11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %.) | \$200,000 |
| 12. Total Approved Assistance Amount | \$180,000 |
| 13. Program Income | \$0 |
| 14. Total EPA Amount Awarded This Action | \$180,000 |
| 15. Total EPA Amount Awarded To Date | \$180,000 |

Administrative Conditions

1. Federal Financial Report (SF 425)

The final Federal Financial Report (FFR) covering the entire project period shall be submitted within 90 days after the end of the project period according to 40 CFR Part 31.23(b) and 31.41(b). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

For awards with cumulative project and budget periods greater than 12 months, an interim FFR covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than December 30 of the same calendar year.

2. Single Audit Act

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. The recipient **MUST** submit the SF-SAC and a Single Audit Report Package using the Federal Audit Clearinghouse's Internet Data Entry System. For complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

3. Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. **Central Contractor Registration (CCR)** means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. **Data Universal Numbering System (DUNS) number** means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. **Entity**, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

4. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

2. Where and when to report.

- i. You must report each obligating action described in paragraph a.1. of this award term to www.fsrs.gov.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsrs.gov specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if –

- i. **The total Federal funding authorized to date under this award is \$25,000 or more;**
- ii. In the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at www.ccr.gov.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if –

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. subawards, and

ii. the total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. —.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. *Salary and bonus* .

ii. *Awards of stock, stock options, and stock appreciation rights* . Use the dollar amount

recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans* . This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified* .

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

5. Trafficking in Persons

a. *Provisions applicable to a recipient that is a private entity*

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our Agency at 2 CFR 1532.

b. *Provision applicable to a recipient other than a private entity* . We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR 1532

c. *Provisions applicable to any recipient* .

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. *Definitions* . For purposes of this award term:

1. "Employee" means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award

and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

6. Recycled Paper

In accordance with Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), EPA Order 1000.25 and 40 CFR Part 30.16 (as applicable), the recipient shall use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. The recipient shall give preference in its procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines, as applicable.

Any State agency or agency of a political subdivision of a State shall also comply with the requirements set forth in the Resource Conservation and Recovery Act (RCRA), Section 6002 (42 U.S.C. 6962), which requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA under 40 CFR Part 247. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more.

7. Hotel and Motel Fire Safety

The recipient agrees to ensure that all conference, meeting, convention, or training funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act. (Refer to 40 CFR Part 30.18 and 15 U.S.C. 2225a, as applicable.)

8. Drug-Free Workplace

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award. Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

9. Debarment, Suspension and Other Responsibility Matters

The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

10. Reimbursement Limitation

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

11. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

12. Lobbying and Litigation Prohibition

The recipient shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by 2 CFR 225 (OMB Circular A-87), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

13. Utilization of Disadvantaged Business Enterprises

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply with 40 CFR Section 33.301. Records documenting compliance with the six good faith efforts shall be retained.

Pursuant to 40 CFR, Section 33.412, Tribal and Insular Area recipients are not required to negotiate fair share goals with EPA until May 27, 2011. Thereafter, Tribal and Insular Area recipients are required to adhere to the full requirements of 40 CFR, Part 33, Subpart D, as applicable.

A recipient of a Continuing Environmental Program Grant or other annual grant agrees to create and maintain a bidders list. A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also agrees to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Refer to 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

14. MBE/WBE Utilization Report

The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE

Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year; i.e., by October 30 of each calendar year. Negative reports are required. Only procurements with certified MBE/WBEs are counted towards a recipient's MBE/WBE accomplishments. A final MBE/WBE report must be submitted within 90 days after the end of the project period. Your grant cannot be officially closed without all MBE/WBE reports. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the internet at www.epa.gov/osbp.

15. Indirect Costs

The cost principles of 2 CFR Part 225 (OMB Circular A-87), "Cost Principles for State, Local, and Indian Tribal Governments," applies to this agreement.

If the recipient does not have a previously established indirect cost rate, the recipient must submit their indirect cost rate proposals to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815-3317

For proposal preparation, the recipient may use the Native American Government checklists located at: <http://www.aqd.nbc.gov/services/ICS.aspx>

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients may draw down grant funds once a rate has been approved, but only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired.

Recipients with differences between provisional and final rates are not entitled to more than the award amount. Recipients may request EPA approval to rebudget funds from direct cost categories to the indirect cost category (to grants which have not expired or been closed out) to cover increased indirect costs.

Pursuant to 40 CFR 31.26, a recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

16. FY2011 ACORN Funding Prohibition

Congress has prohibited EPA from using its FY 2011 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

17. Payment to Consultants

Per 40 CFR Part 31.36(j), EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. The Federal Executive Schedule (i.e., Salary Table) is located at: <http://www.opm.gov/local>
This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its

normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Part 31, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2).

18. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with EPA regulations under 40 CFR Part 30.43, 31.36 or 35.6555, as applicable. In accordance with 40 CFR Part 30.45, 31.36(f) or 35.6585, as applicable, the grantee and subgrantee(s) must perform a cost or price analysis in connection with every procurement action, including contract modifications.

Programmatic Conditions

P1. EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

P2. This grant work program is subject to the statutory "satisfactory progress" provision prescribed in Section 319(h)(8) and the EPA policy on Performance Based Assistance (May 31, 1985).

P3. Modifications to the approved workplan, including changes, additions, or deletions, shall be submitted in a timely manner to EPA for approval.

P4. The grantee shall prepare and submit quarterly progress reports to self evaluate and to joint evaluate annual performance under the grant including: status of each workplan goal, task, deliverable; status of expenditures for the reporting period; summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance; and tasks not on schedule and proposed dates of completion. Each report is due on the 30th day after the end of the quarter, i.e., January 30, April 30, July 30, October 30. The recipient shall submit a final report within 90 days of the end of the project period.

P5. Any management practices implemented for the project must be properly operated and maintained for the intended purposes during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail. Management practices and projects that are damaged or destroyed due to a natural disaster (e.g., earthquakes, storm events, floods, etc.) or events beyond the control of the grantee are exempt from this condition.

END OF DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 12, 2013

Ms. Marie Barry, Environmental Director
Environmental Protection Department
Washoe Tribe of Nevada and California
919 Highway 395 South
Gardnerville, Nevada 89410

Subject: Annual Grant Evaluation Report (C9-00T75301)
Clean Water Action 319 (Nonpoint Source Program)

Dear Ms. Barry:

EPA conducted an annual grant evaluation for the Washoe Tribe of Nevada and California's Clean Water Act 319 grant for the project and budget period of July 1, 2012 - June 30, 2013, in accordance with 40 CFR Part 35.515. Based on the review using quarterly reports, deliverables and correspondence, we concluded you are performing satisfactorily according to the key elements of grant agreements.

1, Elements of the Evaluation Process (40 CFR 35.515(b))

a. Accomplishments as measured against work plan commitments:

The Tribe installed storm water best management practices on the Silverado Parcel including a 60 foot wide rock grade control structure within the Silverado drainage channel, rebuilt a 1 acre storm detention basin, installed rock riprap and re-graded the Indian Hills drainage to pre-flooding condition and removed 10,250 cubic yards of sediment from the Topsy Lane drainage sediment basin. The Tribe also developed a new access road with a stabilized ditch and water bars for Tribal billboard maintenance. Containerized planting of 20 Fremont cottonwoods and 25 Coyote-Whiplash willows was completed on the Indian Hills drainage channel.

A single PCS abandoned well was located and added to the 4 wells previously identified in Carson Community for proper closure. One well was closed and another site prepared for closure.

b. The cumulative effectiveness of the work performed under all work plan components:

The on the ground installation of nonpoint source projects will reduce sediment transport to the Silverado parcel. The work assists in meeting the goal of reducing erosion due to storm water released to the Silverado Parcel. The work along the Indian Hills drainage will protect gas lines and return the drainage to the pre-flood conditions as well as stabilizing the reach. The work on

wellhead protection and proper well closure helps meet the Tribe's goal of keeping the drinking water aquifers healthy and safe.

- c. Existing and potential problem areas, if any:

None

- d. Suggestions for improvement, including, where feasible, schedules for making improvements, if any:

None

2. Unliquidated Obligations (ULOs Grant Policy 11-01)

- a. Determination if sufficient progress has been made under the grant and if the remaining funds are necessary to complete the work plan activities:

The grant was extended to expire June 30, 2014. As of July 17, 2013, the Tribe still has \$136,851 remaining. The extension was requested because the Tribe has had delays in implementing all the nonpoint source BMPs due to extreme weather conditions over the last 2 years. The remaining funds are necessary to complete the installation of BMPs and additional wellhead protection activities.

3. Resolution of Issues (40 CFR 35.515(d))

- a. Corrective action(s) to address the issues (identified in 1.c. above) and when the corrective action(s) are due, if any.

None

If you have any questions or concerns regarding the findings, please contact me at wilson.stephanie@epa.gov or at (775) 885-6190. We look forward to continuing work with the Washoe Tribe of Nevada and California on the Clean Water Act Nonpoint Source Program.

Sincerely,



Stephanie Wilson
Tribal Office

cc: Gwen Brown, MTS-7